

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 18-CR-2426 WJ

DANIEL CAPEHART,

Defendant.

**DEFENDANT'S UNOPPOSED MOTION TO CONTINUE SENTENCING**

COMES NOW Defendant Daniel Capehart, through his attorneys D. Eric Hannum and E. Val Whitley, and moves this Court for an Order continuing the sentencing presently set for December 8, 2021.

As grounds, Defendant states:

1. On July 22, 2021, Defendant was found guilty by a jury of distribution of marijuana and distribution of methamphetamine.
2. A Presentence Report was prepared and disclosed to the parties on November 2, 2021.
3. This matter is presently set for sentencing on December 8, 2021.
4. Defense counsel are currently investigating possible mitigating evidence to present to this Court at sentencing.
5. Counsel estimate that it will take at least two months to complete this investigation and prepare a sentencing memorandum for this Court.
6. The Government will then need time to respond to any sentencing memorandum from Defendant.

7. Counsel has communicated with Assistant United States Attorney, Peter Eicker, who, on behalf of the Government, does not oppose in this motion.

WHEREFORE, Defendant respectfully asks this Court to continue the sentencing setting from the current date of December 8, 2021 and reset the hearing for at least ten (10) weeks later.

I hereby certify that I caused  
a copy of the foregoing to be electronically  
served on the office of the United States  
Attorney, on November 19, 2021.

  
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Counsel for Defendant

Respectfully submitted,

  
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